

## REMARKS

Claims 1-20 are pending in the application and the Examiner has rejected Claims 1, 2, 3, 4, 8 and 9 as anticipated by the Broome '946 patent, while all claims have been rejected as obvious over Bates '859 in view of Broome '946.

The independent claims 1 and 11 have been amended to more clearly distinguish the invention from the art cited by the Examiner. More particularly, the Examiner's attention is drawn to Fig. 33 of Applicant's application, which shows the permanent implant device being expanded into its deployed position through the motion of a deployment line carried within a deployment catheter. Tension supplied to the line forces the device into a deployed configuration. This deployment line is capable of transmitting *tension but not compression*, and these attributes of the deployment line are introduced and characterized in the independent claims. With regard to the art cited by the Examiner it is important to note that the Broome reference and Bates reference are each vascular filters intended for use in relatively small vessels of the body while the Ostrovsky reference is a filtering mechanism for use in a much larger vessel such as the descending aorta. Each of these devices is intended for acute or temporary use within the body and as a consequence provisions are made for recovery of the device. There are no instances in these devices of the device being enlarged or placed or expanded into position through the use of a tension member, which is also incapable of supplying compression forces. Applicant submits that the independent claims are not anticipated since this necessary element is not found within the applied references, and further argues that the dependent claims are not obvious in view of the following particular arguments.

### Claims 1-20

The Examiner argues that Bates teaches essentially all of the limitations of the device with the Broome reference supplying the deployment teaching. This argument overlooks the fact that neither Bates nor Broome have the "string" now called for by the independent claims. Please note also that the deployment mechanism in the applied references requires that the deployment catheter pass over the device to capture it. This is seen best in Fig. 3b and 3c of Bates, and Figs. 5, 6 and 7 of Broome. In neither instance is the now claimed structure requiring the deployment of the device from a low profile

form and then expanded or deployed by the application of tension to the device. The references do not show this mechanism within these references, and for that reason these claims are not obvious in view of these references.

**Claim 9, 16 and 17**

Applicant reiterates the argument stated above and further notes that the recapture of the Ostrovsky device moves it from the deployed to the undeployed state through the use of a tension member. The teaching of Ostrovsky is exactly opposite the teaching of the Applicant's claim structure.

For these reasons Applicant respectfully requests reconsideration of the rejections in light of the arguments made herein.

**CONCLUSION**

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,  
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